

# Memorandum

Jessie K. Liu  
United States Attorney  
District of Columbia



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Subject: Revised Comments to D.C. Criminal Code Reform Commission for First Draft of Report #36, Cumulative Update to RCC Chapter 2 (§ 22E-214) and Chapter 3

Date: June 19, 2019

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To: Richard Schmechel, Executive Director,  
D.C. Criminal Code Reform Commission

From: U.S. Attorney's Office  
for the District of Columbia

The U.S. Attorney's Office for the District of Columbia (USAO) and other members of the Code Revision Advisory Group of the D.C. Criminal Code Reform Commission (CCRC) were asked to review the CCRC's First Draft of Report #36, Cumulative Update to RCC Chapter 2 (§ 22E-214) and Chapter 3. USAO reviewed this document and makes the recommendation noted below.<sup>1</sup>

## **Revised Comment on the Draft Report**

### **I. RCC § 22E-301—Criminal Attempt**

1. USAO is no longer recommending that subsection (a)(2) be removed, but continues to rely on all of its previous recommendations.

Consistent with the discussion at the CCRC Advisory Group meeting on June 5, 2019, subsection (a)(2) is an appropriate statutory provision, as it provides a level of *mens rea* for an attempted offense.

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<sup>1</sup> This review was conducted under the understanding that the structure of the code revision process allows the members of the Code Revision Advisory Group an opportunity to provide meaningful input without limiting the position that the members may take at any subsequent hearing that the Council may have on any legislation that may result from the Report.